

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

AMERISURE INSURANCE COMPANY,

Plaintiff,

v.

R&L CARRIERS, INC, A  
CORPORATION, et al.,

Defendants.

Case No.: 1:20-CV-01134-DAD-JLT

ORDER TO PLAINTIFF TO SHOW CAUSE  
WHY MIDAS SOLUTIONS INCORPORATED  
SHOULD NOT BE DISMISSED FOR FAILURE  
TO COMPLY WITH FED.R.CIV.P. 4

The plaintiff has failed to file proof of service of the summons and complaint despite that the service documents were issued by the Clerk of Court on August 14, 2020 (Doc. 2). Though the plaintiff reported that it had filed a “non-service report to show that Plaintiff has made a good faith effort,” (Doc. 10 at 3), no such document appears on the docket.

Federal Rules of Civil Procedure 4(m) requires service of all defendants within 90 days of the day the complaint is filed and requires the Court to dismiss all unserved defendants unless the plaintiff shows good cause for the failure. Thus, the Court **ORDERS:**

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1           1.       No later than December 29, 2020, the plaintiff SHALL show cause why Midas  
2 Solutions Incorporated should not be dismissed without prejudice due to the failure to serve the  
3 defendant with the summons and complaint. Failure to comply will result in a recommendation  
4 that this defendant be dismissed.

5  
6 IT IS SO ORDERED.

7       Dated: **December 17, 2020**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE